

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY
Caption in Compliance with D.N.J. LBR 9004-1(b)

835178
PHELAN HALLINAN DIAMOND & JONES, PC
1617 JFK Boulevard, Suite 1400
Philadelphia, PA 19103
856-813-5500
Attorneys for AURORA FINANCIAL GROUP, INC.

In Re:

CARL EDWARD HUFF, JR A/K/A CARL EDWARD HUFF, JR
A/K/A CARL E. HUFF
TARA LYNN HUFF A/K/A TARA LYNN HUFF



Order Filed on May 13, 2020
by Clerk
U.S. Bankruptcy Court
District of New Jersey

Case No: 17-29197 - JNP

Hearing Date: April 20, 2020

Judge: JERROLD N. POSLUSNY JR.

Recommended Local Form: ☒ Followed ☐ Modified

ORDER RESOLVING CREDITOR'S CERTIFICATION OF DEFAULT

The relief set forth on the following pages, numbered two (2) and four (4) is hereby **ORDERED**.

DATED: May 13, 2020



Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

Applicant: AURORA FINANCIAL GROUP, INC.
Applicant's Counsel: Phelan Hallinan Diamond & Jones, PC
Debtor's Counsel: STEVEN J. RICHARDSON, Esquire
Property Involved ("Collateral"): 18 NORTH RAILROAD AVENUE, OLDMANS TOWNSHIP, NJ 08067-3524

Relief sought: ☒ Certificate of Non-Payment
☐ Motion to dismiss
☐ Motion for prospective relief to prevent imposition of automatic stay against the collateral by debtor's future bankruptcy filings

For good cause shown, it is **ORDERED** that Applicant's Motion(s) is (are) resolved, subject to the following conditions:

1. Status of post-petition arrearages:

☒ The Debtor is overdue for **2** months, from **03/01/2020** to **04/01/2020**.

☒ The Debtor is overdue for **2** payments at **\$856.42** per month.

☐ The Debtor is assessed for _____ late charges at \$_____ per month.

☒ Applicant acknowledges suspense funds in the amount of **\$170.61**.

Total Arrearages Due **\$1,542.23**.

2. Debtor must cure all post-petition arrearages, as follows:

☐ Immediate payment shall be made in the amount of \$_____. Payment shall be made no later than _____.

☒ Beginning on **05/01/2020**, regular monthly mortgage payments shall continue to be made.

☒ Beginning on **05/01/2020**, additional monthly cure payments shall be made in the amount of **\$171.36** for **8** months.

☒ On **01/01/2021**, additional monthly cure payment shall be made in the amount of **\$171.35**.

☐ The amount of \$_____ shall be capitalized in the debtor's Chapter 13 plan. Said amount shall be set up on Trustee's ledger as a separate Claim. Debtor(s) shall file a Modified Plan within 10 days from the entry of this Order to account for the additional arrears to be paid to the secured creditor via Chapter 13 Plan and to adjust monthly payments to the Chapter 13 Trustee accordingly.

3. Payments to the Secured Creditor shall be made to the following address(es):

☐ Immediate payment:

☒ Regular Monthly payment:

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE, SUITE
3-142
TROY, MI 48098

☒ Monthly cure payment:

FLAGSTAR BANK, FSB
5151 CORPORATE DRIVE, SUITE
3-142
TROY, MI 48098

4. In the event of Default:

☒ Should the Debtors fail to make any of the above captioned payments, or if any regular monthly mortgage payment commencing after the cure of the post-petition delinquency is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ In the event the Debtors converts to a Chapter 7 during the pendency of this bankruptcy case, the Debtors shall cure all arrears within ten (10) days from the date of conversion in order to bring the loan contractually current. Should the Debtors fail to bring the loan contractually current, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

☒ This agreed order survives any loan modification agreed to and executed during the instant bankruptcy. If any regular mortgage payment due after the execution of a loan modification is more than thirty (30) days late, counsel shall file a Certification of Default with the Court, a copy of the Certification shall be sent to the Chapter 13 Trustee, the Debtors, and Debtors' attorney and the court shall enter an Order granting relief from the Automatic Stay

5. Award of Attorneys' Fees:

☐ The Applicant is awarded attorneys fees of \$_____, and costs of \$_____.

The fees and costs are payable:

☐ Through the Chapter 13 plan. These fees/costs shall be set up as a separate claim to be paid by the Standing Trustee and shall be paid as an administrative claim.

☐ to the Secured Creditor within _____ days.

☐ Attorneys' fees are not awarded.

6. This Agreed Order survives any loan modification agreed to and executed during the instant bankruptcy.

Certificate of Notice Page 5 of 5

United States Bankruptcy Court
District of New JerseyIn re:
Tara Lynn Huff
Carl Edward Huff, Jr.
DebtorsCase No. 17-29197-JNP
Chapter 13**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin
Form ID: pdf903Page 1 of 1
Total Noticed: 1

Date Rcvd: May 13, 2020

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 15, 2020.

db/jdb +Tara Lynn Huff, Carl Edward Huff, Jr., 18 North Railroad Avenue,
Pedricktown, NJ 08067-3524Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
NONE. TOTAL: 0

***** BYPASSED RECIPIENTS *****

NONE. TOTAL: 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 15, 2020

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 13, 2020 at the address(es) listed below:

Andrew L. Spi vack on behalf of Creditor AURORA FINANCIAL GROUP, INC nj.bkecf@fedphe.com
 Denise E. Carlon on behalf of Creditor Toyota Motor Credit Corporation
 dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com
 Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com
 Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com,
 summarymail@standingtrustee.com
 Melissa N. Licker on behalf of Creditor FREEDOM MORTGAGE CORPORATION
 NJ_ECF_Notices@mccalla.com, mccallaecf@ecf.courtdrive.com
 Nicholas V. Rogers on behalf of Creditor FLAGSTAR BANK, FSB nj.bkecf@fedphe.com
 Rebecca Ann Solarz on behalf of Creditor Toyota Motor Credit Corporation
 rsolarz@kmlawgroup.com
 Robert Davidow on behalf of Creditor AURORA FINANCIAL GROUP, INC nj.bkecf@fedphe.com
 Robert P. Saltzman on behalf of Creditor FREEDOM MORTGAGE CORPORATION dnj@pbslaw.org
 Robert P. Saltzman on behalf of Creditor Aurora Financial Group, c/o Freedom Mortgage
 Corporation dnj@pbslaw.org
 Sherri Jennifer Smith on behalf of Creditor AURORA FINANCIAL GROUP, INC nj.bkecf@fedphe.com,
 nj.bkecf@fedphe.com
 Steven J. Richardson on behalf of Debtor Tara Lynn Huff ecf@richardsonlawoffices.com
 Steven J. Richardson on behalf of Joint Debtor Carl Edward Huff, Jr.
 ecf@richardsonlawoffices.com
 U.S. Trustee USTPRegion03.NE.ECF@usdoj.gov

TOTAL: 14